

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts  
Southern District of Texas  
FILED

September 04, 2020

David J. Bradley, Clerk of Court

United States of America

v.

Ibraheem Ahmed Al Bayati (19)

Case No. **4:20mj1648**

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 2, 2020 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

## Offense Description

18 U.S.C. § 844(e)

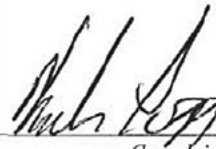
Making Threats Or Conveying False Information To Destroy By Means of Fire  
or Explosive

18 U.S.C. § 875(c)

Making Threats Over Interstate Commerce

This criminal complaint is based on these facts:

See Attached Affidavit

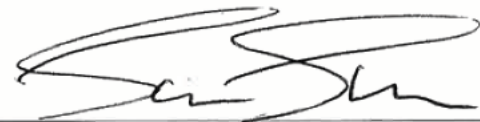
☒ Continued on the attached sheet.

Complainant's signature

Keith Fogg, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/04/2020

Judge's signature

City and state: Houston, Texas

Sam Sheldon, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF  
CRIMINAL COMPLAINT**

I, Keith Fogg being duly sworn, hereby depose and state the following:

**I.**

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent (“SA”) with the Federal Bureau of Investigation (“FBI”), and have been so employed since June 2010. I am currently assigned to the Houston Field Office. I have been trained in the preparation, presentation, and service of criminal complaints and arrest and search warrants, and have been involved in the investigation of numerous types of offenses against the United States, including crimes of terrorism, as set forth in Title 18, United States Code, Section 2331, *et seq.*

2. This affidavit is intended to show merely that there is probable cause for the requested criminal complaint and does not set forth all of my knowledge about this matter.

**II.**

**PURPOSE OF THE AFFIDAVIT**

3. I make this affidavit in support of an application for a criminal complaint against Ibraheem Ahmed Al Bayati, a nineteen year-old Houston resident, who joined a Zoom video lecture for a University of Houston course on September 2, 2020, and threatened to bomb the university in the coming days, while making reference to a foreign terrorist organization. Based on my training and experience, and the facts as set forth in this affidavit, I believe there is probable cause that Al Bayati committed violations of 18 U.S.C. § 844(e) (Making Threats or Conveying False Information To Destroy By Means of Fire or Explosive) and 18 U.S.C. § 875(c) (Making Threats over Interstate Commerce).

### III.

#### STATEMENT OF PROBABLE CAUSE

4. In the afternoon of September 2, 2020, Al Bayati, identifying himself as Abu Qital al Jihadi al Mansur, joined a University of Houston student lecture online. This lecture, which occurred on video over Zoom, a cloud service that provides video telephony and online chat services, and is a facility of interstate commerce, was recorded, and Al Bayati's question and statements were captured on audio and video.

5. In his question, Al Bayati asked "what does any of this have to do with the fact that UH is about to get bombed in a few days." Then, Al Bayati stated "Dawlatul Islam Baqia" (an Arabic term that means the "Islamic State will remain"). Al Bayati then held up his index finger and repeated "Dawlatul Islam Baqia." Based on my training and experience, Al Bayati's gesture of holding up his index finger, which is often known as the "tawheed finger," is sometimes an indicator of radical Islamic ideology. Gasps from students can be heard after Al Bayati made his proclamation.

6. Al Bayati's discussion about the Islamic State is a reference to a certain foreign terrorist organization also known as ISIS. On or about October 15, 2004, the United States Secretary of State designated al-Qaeda in Iraq ("AQI"), then known as Jam 'at al Tawid wa' al-Jahid, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive order 13224.

7. On or about May 15, 2014, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias

Islamic State of Iraq and the Levant (“ISIL”) as its primary name. The Secretary of State also added the following aliases to the FTO listing: The Islamic State of Iraq and al-Sham (“ISIS” — which is how the FTO will be referenced herein), The Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. On September 21, 2015, the Secretary added the following aliases to the FTO listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

8. Zoom<sup>1</sup> logs received from the University of Houston, indicate Al Bayati connected to the Zoom lecture from an identified IP address, and records from a telecommunications company for that IP address identified the subscriber of that IP address, as well as the subscriber’s address and phone number. The FBI has identified the subscriber of the IP address as a familial relative of Al Bayati, and discovered that Al Bayati resides with the familial relative.

9. On the afternoon of September 4, 2020, I interviewed Al Bayati. He admitted to being on the Zoom call, making the statements, and claimed that the whole thing was a joke, devised by him and a friend, on the morning of September 2, 2020. Al Bayati then gave consent for me to search his phones.

10. A review of Al Bayati’s text messages shows that an associate (“Associate #1”) sent him a link that day to a Zoom class, and after Al Bayati told him he had joined the class as “ABU QITAL,” the friend asked Al Bayati to “say some arabic shit and leave lmaooooo.”

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<sup>1</sup> The FBI is awaiting a response from Zoom as to the location of its servers, however, open source research indicates that Zoom’s domestic servers are not located in Texas, but in California and New York. Further, because the transmission of the threat was made over a facility of interstate commerce, that does, itself, constitute a transmission in interstate commerce.

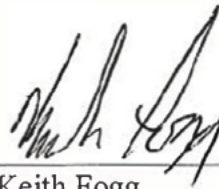
11. After the interview, I continued to review his phone, and discovered that in October 2019, Al Bayati told an associate (Associate #2) over a certain social media application (Social Media App #1) that he used another certain social media application (Social Media App #2) to find ISIS supporters. He then gave an example of where he helped an individual in a certain foreign city, who did not speak Arabic (Al Bayati speaks Arabic), but, according to Al Bayati, he “made him say the pledge thru voice messages.” The “pledge” appears to be a reference to the pledge potential recruits make when joining ISIS.

12. Finally, as late as May 2020, Al Bayati reminded Associate #2 that he had told him about recruiting ISIS members from a certain foreign city. Al Bayati also explained that he was “literally known” as an ISIS recruiter.

IV.

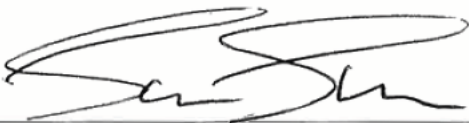
CONCLUSION

Based on the foregoing, which I affirm is true and correct to the best of my knowledge and belief, I respectfully submit that probable cause exists to support charges of U.S.C. § 844(e) (Making Threats Or Conveying False Information To Destroy By Means of Fire or Explosive) and 18 U.S.C. § 875(c) (Making Threats Over Interstate Commerce), and that the nature of these crimes, combined with other facts and circumstances, further supports the issuance of a warrant by this court for the arrest of Ibraheem Ahmed Al Bayati.



Keith Fogg  
Special Agent  
Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me on this 4th day of September, 2020, and I find that there is probable cause.



Sam Sheldon  
United States Magistrate Judge